

App. No. 09/682,627

Amendment dated September 25, 2005

Reply (accompanying petition to revive) to Office action of January 21, 2004

REMARKS

Summary of Amendments

In addition to the cancellation of claims 1, 6 and 7 by the amendment in reply to the first Office action, claims 14-18 and 21-36 have been canceled. Withdrawn method claims 10 and 11 have been amended to depend indirectly from claim 2, and claims 19 and 20 have been amended so as not to depend from canceled claim 14.

The result is that claims 2-5, 8-13, 19 and 20 are pending.

Claim Objections

Claims 25, 29-34 and 36 were objected to for improper dependency recitations. All of these—namely, claims 25, 29-34 and 36—have been canceled.

Claim Rejections - 35 U.S.C. § 101

Claims 2-5, 8, 9, 12-24, 26-28 and 35 again stand rejected under 35 U.S.C. § 101 for claiming subject matter that lacks "credible" utility. No other rejections remain to be addressed in this application.

Claims 14-18 and 21-36 have been canceled. Below is a summary of the content of those canceled claims.

<i>Claims 14, 17:</i>	Graphically or acoustically recording the physical-health tuning means, and
<i>Claim 18:</i>	superimposing the recordings;
<i>Claims 22, 25, 36:</i>	Methods of using the graphic or acoustic recordings, and
<i>Claims 32, 34:</i>	using the physical-health tuning means together with prints from the graphic recordings;
<i>Claim 28:</i>	Method of using the physical-health tuning means, including burning prints from the graphic recordings;
<i>Claims 15, 16:</i>	Graphic recording medium from claims 14, 17;
<i>Claim 21:</i>	Methods in which the graphic recording medium is viewed, or
<i>Claim 29:</i>	set on a person's body, or
<i>Claim 30:</i>	put in the corners of a room, or
<i>Claim 31:</i>	put near power lines and power from the lines is used, or
<i>Claim 33:</i>	a refrigerator is powered by the lines;

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- Claim 35:** Directing physical-health tuning means at an internal-combustion engine, or
- Claim 23:** at power lines and using power from the lines, or
- Claim 24:** using a refrigerator powered by the lines; and
- Claim 26:** Purifying with the physical-health tuning means insertion body water generally, or
- Claim 27:** bathwater.

Accordingly, it is believed that all claims directed to subject matter rejected for lacking credible utility have been canceled.

As noted at the end of section 4 on page 4 of the Office action, "Independent claims 2 and 3 are included in the current rejection because the sole basis of the current independent claims is to provide a device structure that provides incredible utilities, as claimed by the Applicant." It is respectfully submitted that by canceling dependent claims 14-18 and 21-36, it can no longer be maintained that the *sole* basis of pending independent claims 2 and 3 is to provide a device structure for utility that lacks credibility.

The claims now pending by the present amendment set forth a device—and straightforward methods of making (claims 10 and 11) and using (claims 12, 19 and 20) that device—whose structure is believed to be patentable over the prior art of record in this case.

At section 6, under "Conclusion," the Office action states, "The cited art of Epstein et al. disclose[s] a magnetic brain stimulation system using ferromagnetic material wrapped with a copper coil but does not disclose the position of the magnetic poles in relation to the bar magnets[,] and also utilizes electricity to energize the coil." It is noted that the present invention, in contrast to Epstein et al., does not so use electricity.

Lastly, on September 22, 2005, Applicant's representative unofficially submitted the listing of claims in the present amendment, and upon contacting the Office was told informally that the amendment should leave the claims as setting forth allowable subject matter.

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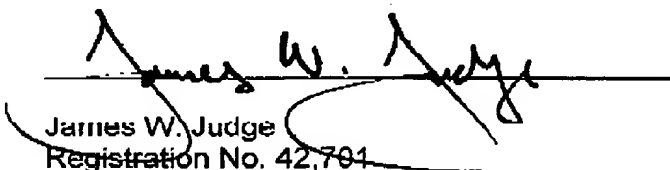
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The present reply is in response to the Office action of January 21, 2004 and accompanies a renewed petition under 37 C.F.R. § 1.137(b) to revive this application as having been abandoned unintentionally. Although the petition as filed May 11, 2005 was initially dismissed for lacking a reply that *prima facie* places the application in condition for allowance, it is believed that the present reply remedies that defect, and should render the petition grantable to revive this application as being in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections is requested. Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

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